

RHODE ISLAND DEPARTMENT OF HUMAN SERVICES

NOTICE OF  
PROPOSED ADOPTION OF RULES, REGULATIONS,  
POLICIES, PROCEDURES, AND OTHER MATERIALS  
RELATING TO THE ADMINISTRATION OF THE FOLLOWING PROGRAM(S):

In accordance with Title 42, Chapter 35, of the General Laws of the State of Rhode Island, notice is hereby given that the Department of Human Services (DHS) proposes to adopt rules, regulations, policies, procedures, and other materials relating to the following programs(s):

**MEDICAL ASSISTANCE PROGRAM**

LONG TERM CARE MEDICAL ASSISTANCE

Effective February 8, 2006, in conformance with the federal Deficit Reduction Act of 2005 (DRA), the Department of Human Services (DHS) is promulgating rules to change the long term care eligibility criteria. The DRA is very detailed as to the changes being made to long term care applicants and recipients at recertification. The look back period for applicants and recipients is changed from thirty-six (36) months to sixty (60) months. The transfer of assets penalty period start time is changed to: the transfer date or the date that the individual would have been otherwise eligible for Medicaid, whichever is later. Eligibility is changed to allow for partial month eligibility. The undue hardship policy section is changed to include further specifics. The home exclusion is changed to have a maximum exclusion cap of home equity. In determining eligibility for couples, the income is treated first, rather than the resources. Annuities are required to have the state as a remainder beneficiary up to the amount of Medicaid paid on behalf of the recipient. Notes and loans are now examined more closely under the resource test. Life estate purchases of another's home require that the individual have lived in the home for one (1) year.

Interested persons may inspect said proposed rules, regulations, policies, procedures, and other related materials on the Department of Human Services website at [www.dhs.ri.gov](http://www.dhs.ri.gov), or in the Office of Policy Development, Department of Human Services, Louis Pasteur Building, Bldg. 57, Howard Avenue, Cranston, Rhode Island 02920, between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday.

Interested persons may submit data, views, or written arguments to the Office of Legal Counsel, Department of Human Services, Louis Pasteur Building, Bldg. 57, 600 New London Avenue, Cranston, Rhode Island 02920, within thirty (30) days of the date of this notice.

A public hearing will be scheduled for these changes in regulation. The date, time, and location of the public hearing will be printed in this newspaper at a later date.